IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5338 of 2003
(For condonation of delay)
IN
CRIMINAL APPEAL NO.1550 OF 2003
AND
CRIMINAL APPEAL NO.1550 OF 2004

The State of Maharashtra ...Appellant

V/s

Parshuram Shankar Waghmale
and Ors. ...Respondents.

Mr. D.P. Adsule, APP for the appellant - State.

Mr. Ramrao Adik with Mr. Prakash K. Deshmukh for the respondents.

CORAM: V.M. KANADE, J.
DATE : 1ST NOVEMBER, 2004.

P.C.:

1. Heard the learned APP appearing on behalf of the appellant - State.

2. Application for condonation of delay is allowed for the reasons stated in the application.

3. A Complaint was filed by one Dattatray Jadhav that while he was returning home on 29/9/2001, the accused Nos. 1 and 2 assaulted him with sticks on his back and accused No.3 pelted stone, as a result of which he suffered bleeding injury on his head. Prosecution examined in all six witnesses. P.W.3 - Mangesh Jadhav

and P.W. 4 - Kisan Sawant are the eye witnesses. The Trial Court while appreciating the evidence adduced by the prosecution has taken into consideration the contradictions in the statement of these witnesses. I have perused the evidence and, in my view, finding recorded by the Trial Court is reasonable and it cannot be said to be perverse. Apart from that, the medical evidence on record indicates that the version given by the prosecution witnesses is not supported by the medical evidence. P.W. 5 - Dr. Ujawala Mane has stated in her cross-examination that the injury which was caused to the head of the complainant could have been caused as a result of fall from the bicycle on hard and blunt object. Admittedly, there was political rivalry between two parties on account of Gram Panchayat Elections which had taken place few days before the incident.

4. In this view of the matter, no interference is called for while exercising jurisdiction of this court under section 378 of the Criminal Procedure Code.

Leave is, therefore, refused. Appeal is dismissed.

V.M. KANADE, J.